

Report to the Contra Costa County Board of Supervisors on Environmental Justice

by the Hazardous Materials Commission

Overview

This report describes the work of the Hazardous Materials Commission regarding environmental justice, and the perspectives the Commission has heard from residents and the business community. The Commission calls attention to a variety of state and regional efforts, including a new state law, and recommends that the Board of Supervisors declare its commitment to environmental justice.

Background

Environmental justice calls for a healthful, safe environment for everyone. It means fair treatment for people of all races, cultures and income with respect to the development, adoption, implementation and enforcement of environmental laws, regulations and policies, and encouragement of public participation in making and implementing those policies [Government Code Sec. 65040.12, and see Public Resources Code Sec. 72000-72001]. The Hazardous Materials Commission maintains that all our communities should share in the environmental and health benefits of economic development and that no community should carry an undue burden of environmental harm.

Environmental justice is woven through the work of the Hazardous Materials Commission since its establishment over a decade ago. In the 1980's, while developing the County's plan for addressing hazardous waste, the Commissioners took note that communities where industrial hazardous wastes and hazardous materials were created, stored, used and disposed of tended also to be residential communities of lower-income working people, with higher proportions of poor and unemployed residents than elsewhere. The Commission's early perception that these were often communities with high proportions of African-Americans, Hispanics, Asians, Pacific Islanders, and other people of color was confirmed by maps prepared for the Commission by the U.S. Environmental Protection Agency (USEPA) that show a striking overlap of sites with hazardous materials or wastes and low-income communities of color, in our County and throughout the Bay Area.

People with low incomes are at greater risk of health problems generally than those with higher incomes. They have low access to health services and other services that provide for health and well-being, and a higher level of disease and mortality. Low-income people in Contra Costa County and nationally experience higher rates of overall mortality, chronic disease mortality, infant mortality, low birth weight, accidents and injuries, homicides, AIDS, and tuberculosis. There is little information about incidence of most other illnesses, as it is not collected. In the interest of fairness and to protect the health of local communities, Commissioners began asking what policies could address the disparity reflected by the maps to avoid continuing it or replicating it elsewhere in the county.

The nearness to industry of residences, schools, and other centers of community activity puts people who live and work in those communities in the path of potential exposure during industrial accidents. In the 18 months between January 15, 1999, and June 15, 2000, ten incidents were reported to Health Services that meet the Industrial Safety Ordinance's criteria for a Major Chemical Accident or Release. Industrial truck and train traffic is common to our industrial areas and moves both through the community and along its edges. Trucks and trains bring additional risks of exposure to diesel fumes and accidents involving hazardous materials. A number of derailments in the county in the last few years have brought this particular railroad transport risk to public attention.

Vibrant industrial towns are among Contra Costa's founding communities B places where three and more generations of families make their homes, houses of worship are abundant, and residents join volunteer groups by the hundreds and thousands. They are among our richest communities in ethnic and national diversity.

Rapid growth in the county has raised for wide discussion the question, "How do we maintain and improve the quality of life for both our old and new communities?" The Board has initiated public dialogue and actions on the urban limit line and "smart growth," and has taken a leading role to foster inter-regional action on sprawl and traffic. Environmental justice is a valuable lens to help focus light on framing the question, and providing answers to it.

Communities without an industrial base have much to gain through environmental justice, which is not limited to industrial concerns. Improvement in public transit and job and housing development in older communities will improve traffic throughout the county. As newer, expanding, and redeveloping communities seek to attract and create jobs, an environmental justice perspective helps to learn from the past and plan more wisely for safe and healthful neighborhoods and sustainable economies.

Governmental Actions for Environmental Justice

"Environmental justice" was an unknown phrase just a decade ago. It developed out of the siting of a hazardous waste landfill in an African-American community in the South, and grew with studies that raised concerns about fairness in several aspects of environmental protection, studies concerning the environment and health, and studies demonstrating disparities in health by race and income.

Now environmental justice is incorporated across the nation in many vision and planning documents at the federal, state, and local level. In our area alone, the City of Richmond, the Bay Area Alliance for Sustainable Development, and the Bay Area Air Quality Management District are among those who have adopted policies and guidelines for environmental justice; it is incorporated into the San Francisco Sustainable City Plan. The State legislature passed SB 115 last year requiring Cal/EPA to act in accordance with environmental justice and to develop a model mission statement; the Governor's Office of Planning and Research is designated to coordinate programs among all state agencies. The requirements in a new state law to facilitate licensing of thermal power plants include reference to environmental justice. A law just signed by the Governor establishes under the Secretary of Cal/EPA an environmental justice working

group of Cal/EPA Department heads, and a stakeholders' advisory committee to carry out specified activities.

Several other states have extensive policies and programs in place, and more are developing them. Federal agencies, spurred by Executive Order 12898, now have a wide variety of environmental justice policies and programs. The Institute of Medicine, National Academy of Sciences has published a book on the subject, *Toward Environmental Justice* [National Academy Press, 1999].

The Commission's Activities and Process

Commissioners reviewed numerous documents and programs about environmental justice. Among them were maps of the county prepared by USEPA and the Bay Area Air Quality Management District showing the location of hazardous materials, industrial emissions and population by race and income. Commissioners brought environmental justice to the table at quality of life forums sponsored by the Conference of Mayors and the Contra Costa Economic Partnership.

A draft document issued by the Commission, containing many proposed recommendations, provided the basis for detailed public input. The Commission met with the Industrial Association of Contra Costa County, the Contra Costa Council, and several other civic organizations and elected bodies to offer ideas and gain their perspective. The Commission Chair and the current and past Chairs of the committee that prepared this report met with the Director of Community Development, the Deputy Director of the Redevelopment Agency and their staff. A well-attended public forum was held to hear further comments. The Commission is pleased to see environmental justice items included in the Mayors= Conference draft Quality of Life Report, the Contra Costa Council Position Paper on Smart Growth, and in materials before the Board of Supervisors as part of its initial review of "smart growth.≡

Views of the Contra Costa Community

The Commission has heard a wide range of perspectives on environmental justice and how to address it. Indeed, those perspectives were mirrored on the Commission itself, given its broad membership. Discussion was always lively and often passionate, and has resulted in a far greater and more nuanced understanding on the Commission of the views of the people and entities involved.

The scope of environmental justice

A view of environmental justice that was expressed by a variety of Commissioners and other members of the public encompasses themes of economic development, education, safety, health status and health care, transportation, and other elements of overall community health (along with concepts of inclusion, participation, and fairness). For some business representatives, matters that are not closely related to hazardous materials and environmental laws, policies and public participation were deemed beyond the Commission's purview.

There was also discussion of the nature of communities in the United States particularly affected by environmental justice concerns. Issues of race, income, and whether industrial or waste facilities precede their minority neighbors were discussed, along with national research on these subjects.

Land use planning and permits, and standards of proof

Issues relating to the need for new policies concerning land use and permits garnered the most comment. One of these is buffer zones. For some residents and Commissioners, the need for health-protective buffer zones between residential areas and facilities using or storing hazardous materials is paramount, and there is support from some industry representatives. The Community Development Department has voiced concerns raised by this proposal, relating to the General Plan and potential compensation issues.

With regard to evaluating permits and permitting activity, opinions differ on what criteria would apply in determining that specific health or other environmental problems exist in a community, or might result from issuance of a new or renewed permit, and on whether some communities would get particular attention. For industry, consideration of environmental justice may add new issues to those it already must consider in applying for permits, siting new facilities, interacting with neighboring communities, and conducting business generally. Among environmental organizations and some community representatives, there is interest in addressing the ways in which residents may be affected by multiple sources of emissions, accidents, and truck and rail traffic including their emissions that are not necessarily addressed in all permitting situations – or indeed, by permitting at all. Business and some government officials expect a high standard of proof of problems; environmental organizations, community representatives and other government officials say that that standard puts an unrealistic and sometimes costly burden of proof on residents.

This issue has arisen seemingly wherever environmental justice programs have been developed. Several states and federal agencies have, however, successfully adopted criteria and factors for consideration, and these can serve as models. In addition, strong public information and participation programs are avenues for resolving these concerns about risk and quality of life, along with further data collection and scientific research to improve our knowledge base.

Key areas of agreement

Representatives of business, labor, community, and environmental organizations, government, and residents are in agreement with the principle of fair treatment embraced by state law and share a vision that no community should carry an undue burden of environmental harm. There were no objections to fostering public information and participation in government activities concerning the environment, nor to the Commission's support for a variety of existing county programs that help address environmental justice concerns.

Many current County policies and programs foster environmental justice. Just a few of these are the Municipal Advisory Councils which foster community participation; the County's leadership in the Green Business Program; a variety of projects in North Richmond, among them the North

Richmond Center for Health and its Environmental Education Project, the special efforts of the North Richmond Collaboration, and projects of the Community Development Department and Redevelopment Agency, including a multi-jurisdictional Brownfields development effort; and the Welfare-to-Work Transportation Action Plan that provides potential models for analysis and transportation-related policies throughout the county.

Next steps for the Commission

The Commission is interested in continuing its own education and dialogue about how county programs and policies can be informed by and promote environmental justice. Topics and programs the Commission has discussed (and noted above) include pollution prevention; public education and participation in county programs and decision making concerning the environment and health; maintaining the county's environmental health expertise and relationships with regional, state and federal agencies; the relationship of environmental health and community and transportation planning; and assuring equitable environmental enforcement by county programs.

Recommendation

The County has not made a formal statement of its support for environmental justice. A resolution to this effect would provide recognition of this issue and goal, a frame through which members of our community see opportunities for broad discourse towards protection of health and the environment and improving our quality of life.

The Commission recommends that the Board of Supervisors declare the County's commitment to environmental justice, defined in Government Code Sec. 65040.12 (and see also Public Resources Code Sec. 72000-72001).

Selected Bibliography of Publications and Documents Considered in the Commission's Review of Environmental Justice Issues

Bay Area Air Quality Management District. August 1999. *Resolution 99-15, A Resolution Adopting Guiding Principles of Environmental Justice*. San Francisco, CA: BAAQMD. The District has convened a Working Group to assist in developing specific implementation measures.

Bay Area Alliance for Sustainable Development. July 1999. [Draft] Compact for a Sustainable Bay Area: Economy, Environment, Equity. Oakland, CA: Author. The Draft Compact identifies key regional challenges and strategic recommendations to meet those challenges to put the Bay Area on a more sustainable path. The Draft Compact embraces "Three Es" of sustainability in order to achieve and maintain a prosperous economy, quality environment, and social equity. Among the topics addressed are pollution prevention and promotion of healthy and safe communities.

California Healthy Cities. 1999. *Characteristics of a Healthy Community*. Sacramento, CA: Author. Healthy Cities projects are sponsored around the world by the World Health Organization and other governmental and private agencies to improve people's health and quality of life. California Healthy Cities offers eight key and interrelated elements for community health, including elements important for environmental justice.

Chemical Manufacturers Association, Inc. 1995. *A Plant Manager's Introduction to Environmental Justice*. Washington, DC: Author.

City of Richmond. 1997. *Resolution No. 204-97, In Support of the Principles of Environmental Justice*. Richmond, CA: [the City].

Clark, Noreen M., Randall W. Brown, et al. June 1999. "Childhood Asthma." *Environmental Health Perspectives*, v. 107, Supp. 3. In this review of the literature on childhood asthma, part of a monograph on children's environmental health and disease prevention research, the authors report that asthma prevalence and mortality in children has increased dramatically in recent years, with the burden most acute in urban areas and racial/ethnic minority populations. While studies illustrating causal effects between outdoor air pollution and asthma prevalence are scant, air quality appears to exacerbate symptoms in the child who already has the disease. Research is noted on the association between respirable particulates, other air pollutants, and symptoms.

Contra Costa Transportation Alliance. May 4, 1999. *Contra Costa Transportation Alliance, Welfare-to-Work Transportation Action Plan*. Martinez, CA: [The Alliance].

Contra Costa Mayors Conference. 1999. *Quality of Life Report* [Draft]. Martinez, CA: [The Conference].

Council on Environmental Quality. 1994. *Environmental Justice – Guidance Under the National Environmental Policy Act*. Washington, DC: Executive Office of the President.

“Environmental Justice in California,” Parts I and II. August 31, 1998 (pp. 4-7) and September 15, 1998 (pp. 6-10). *California Environmental Insider*. Brentwood, TN. A review and summary of the topic and “players” in California.

Ethnic Coalition of Southern California Forum on Environmental Justice. April 1993. *The Los Angeles Compact for Environmental Justice*. Los Angeles, CA: [the Coalition]. The Compact was developed by a number of organizations during a workshop hosted by The Gas Company.

Executive Order No. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. February 11, 1994. Washington, DC. The E.O. directs each federal agency to make environmental justice part of its mission and develop an agency-wide environmental justice strategy, and includes specific direction on research, data collection, and other activities.

The First National People of Color Environmental Leadership Summit. October 1991. *Principles of Environmental Justice*. Washington, DC: [the Leadership Summit]. This 2-page statement is a founding environmental justice document.

Institute of Medicine. 1999. *Toward Environmental Justice*. Washington, DC: National Academy Press. 137 pp. The report concludes that there are identifiable communities of concern in “double jeopardy” – they experience higher levels of exposure to environmental stressors and are less able to deal with these hazards. They may also be more susceptible to adverse health effects and less able to obtain adequate health care due to socioeconomic status. Recommendations include a coordinated effort among public health agencies to improve collection and coordination of environmental health information; to conduct research to improve the science base, involve the affected populations, and communicate findings to stakeholders; and to provide education on the issue to health professionals and the public. Lastly, “[i]n instances in which the science is incomplete with respect to environmental health and justice issues, the committee urges policymakers to exercise caution on behalf of the affected communities, particularly those that have the least access to medical, political, and economic resources, taking reasonable precautions to safeguard against or minimize adverse health outcomes.

Linton, Gordon J. and Kenneth R Wykle. 1999. Implementing Title VI Requirements in Metropolitan and Statewide Planning [memo]. Washington, DC: Federal Highway Administration and Federal Transit Administration. The memo puts forth a number of implementation strategies for Title VI of the Civil Rights Act. Though the Act is different from environmental justice, the strategies are applicable.

Lynch, Kevin. 1981. *Good City Form*. (11th reprint 1998, originally published as *A Theory of Good City Form*). Cambridge, MA: MIT Press, 520 pp. The author writes that the purpose of this sweeping “essay” is to “make a general statement about the good settlement, one relevant and responsive to any human context, and which connects general values to specific actions.” He reviews normative theories of city form and lays out his own, with a number of performance dimensions and a discussion of their application. His framework provides an interesting community planning approach to addressing environmental justice, a phrase that he used a

decade before it was independently put forth by environmental justice advocates.

Maryland Advisory Council on Environmental Justice. November 1999. *Environmental Justice in the State of Maryland*. Baltimore, MD: Maryland Department of the Environment. A report to the State's Governor.

Morello-Frosch, Rachel, Manual Pastor, Jr., and James Sadd. "Environmental Justice and Southern California's 'Riskscape': The Distribution of Air Toxics Exposures and Health Risks among Diverse Communities." *Urban Affairs Review* (forthcoming). Using air emissions inventories and modeling techniques, the authors find that lifetime cancer risks associated with outdoor air toxics in Southern California are attributable mostly to transportation and small area sources. They find that race plays an explanatory role in risk distribution even after taking into consideration other economic, land use, and population factors. This pattern, they conclude, "suggests the need for innovative emissions reduction efforts as well as specific strategies to alter the spatial and racial character of the environmental 'riskscape' in urban centers."

National Environmental Justice Advisory Council. 1996. *The Model Plan for Public Participation*. Washington, DC: Environmental Protection Agency. The Plan provides numerous methods to foster public participation.

Northern California Council for the Community. 1999. *Contra Costa County United Way/Hospital Council Collaborative Community Assessment*, v.1. San Francisco: Author.

Pastor, Jr., Manuel, Jim Sadd, and John Hipp. "Which Came First? Toxic Facilities, Minority Move-in, and Environmental Justice." *Journal of Urban Affairs* (forthcoming). The authors examine the question of their title for toxic storage and disposal facilities in Los Angeles County, and find that disproportionate siting matters more than disproportionate minority move-in. Racial transition – a change in the ethnic composition of an area – is also an important predictor of siting.

Pastor, Jr., Manuel. August 2000. "Racial/Ethnic Inequality in Environmental Hazard Exposure in Metropolitan Los Angeles." Unpublished paper. Drawing on the research in the above-cited article, "Which Came First?", the author briefly reviews the literature, discusses policy implications and makes recommendations. He argues that "the state needs to address the legacy of environmental inequity...Further study is clearly warranted and policy action may, in the interim, necessarily be modest. Yet the real risk lies in doing nothing, a strategy that would leave public agencies still under pressure from concerned and mobilized communities but without the tools, direction, and guidance that could help address these concerns." Earlier versions of this paper were presented at seminars hosted by USEPA, DTSC, and elsewhere.

South Coast Air Quality Management District. March 2000. *Multiple Air Toxics Exposure Study (MATES-II)*. Diamond Bar, CA: the District. The SCAQMD conducted a one-year study with two monitoring components, one utilizing the existing network of ten fixed monitors and another using mobile monitors which were placed in 14 residential communities for a month, near clusters of facilities with hazardous materials. Using these data, the District made cancer risk estimations. Most of the risk basinwide was from mobile sources, and most of that from

diesel emissions. The highest risk was in South Central and East Los Angeles. The mobile monitors, with one exception, did not show levels of toxic air contaminants significantly higher than their nearest fixed-site monitors. The District notes that with limited resources, the mobile monitors were in place less than the optimal one-year. It cannot be concluded that “hot spots” do not exist at other locations. The study did not look at health risks other than cancer, or at odor.

US Environmental Protection Agency, Office of Federal Activities. April 1998. *Guidance for Incorporating Environmental Justice Concerns in EPA’s NEPA Compliance Analysis*. Washington, DC: Author.

Warren, Nancy. April 1999. *Report of the Bay Area Regional Asthma Management and Prevention Initiative*. Berkeley, CA: Public Health Institute. Age-adjusted asthma hospitalization rates in Contra Costa County are higher than the Centers for Disease Control Healthy People 2000 objectives by about 25 % in four zip codes: 94520, 94801, 94804, and 94806. These zip codes, in Concord/Monument Corridor, Richmond and San Pablo, have lower levels of education, more adverse perinatal outcomes, and a higher proportion of minorities than others in the county, and represent four of the county’s five lowest-income zip codes. Other RAMP data (unpublished) shows that for the latter three zip codes asthma hospitalization rates for children under 15 are also above the Healthy People 2000 objectives. The data is for 1994-96.

World Health Organization. *Healthy Cities – Health Promotion*, www.who.int/hpr/cities/index.html and *What is a Healthy City*, www.who.int/hpr/cities/what.html, accessed May 22, 2000. These sites provide additional information on the multi-dimensional Healthy Cities concept and projects.